

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DARRIS MORROW,

Petitioner,

v.

LINDA METRISH,

Respondent.

Case No. 07-14183

Honorable Patrick J. Duggan

OPINION AND ORDER

At a session of said Court, held in the U.S.
District Courthouse, Eastern District
of Michigan, on April 25, 2011.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

On October 2, 2007, Darris Morrow (“Petitioner”), at that time a state prisoner confined at the Hiawatha Correctional Facility, filed a *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner challenged his convictions for possession of less than twenty-five grams of cocaine, Michigan Compiled Laws § 333.7403(2)(a)(v), maintaining a drug vehicle, Michigan Compiled Laws § 333.7405(d)(1), carrying a concealed weapon, Michigan Compiled Laws § 750.227(2), and possession of a firearm during the commission of a felony, Michigan Compiled Laws § 750.227b.

This Court has referred the petition to Magistrate Judge Mona K. Majzoub pursuant to 28 U.S.C. § 636(b)(1)(B). On March 23, 2011, Magistrate Judge Majzoub filed her Report and Recommendation (“R&R”), in which she recommends that this Court deny the

petition as moot. Magistrate Judge Majzoub notes that Petitioner was released on parole on August 13, 2009, and is no longer in the custody of the sole Respondent, Linda Metrish, Warden of the Hiawatha Correctional Facility. At the conclusion of the R&R, Magistrate Judge Majzoub advises the parties that they may object and seek review of the R&R within fourteen days of service upon them. The R&R was mailed to Petitioner, but returned as undeliverable. Neither party has filed objections to the R&R.

“A district court shall direct a writ of habeas corpus ‘to the person having custody of the person detained.’” *Roman v. Ashcroft*, 340 F.3d 314, 319 (6th Cir. 2003) (quoting 28 U.S.C. § 2243). In the case of a paroled petitioner, his custodian is the parole board or its equivalent. *Hogan v. Hanks*, 97 F.3d 189, 190 (7th Cir. 1996). Petitioner has not sought to amend his petition to add members of the parole board as respondents. The Court cannot communicate with Petitioner, as mail sent to him was returned as undeliverable and he has failed to notify the Court of his current address. Petitioner has not been in contact with the Court since May 8, 2008. The Court therefore concurs with the conclusion reached by Magistrate Judge Majzoub, that the petition should be denied as moot.

Accordingly,

IT IS ORDERED that Petitioner’s petition for writ of habeas corpus is **DENIED**
AS MOOT.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:
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Carman Plaza

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Flint, MI 48532

Debra M. Gagliardi, A.A.G.
Magistrate Judge Mona K. Majzoub